

General Permit for Point Source Discharges to Waters of the State from the Application of Pesticides

Fact Sheet

Introduction—The *General Permit for Point Source Discharges to Waters of the State from the Application of Pesticides* (PGP) is a renewal of an existing general permit that was originally issued in response to the January 7, 2009 decision by the United States Court of Appeals for the Sixth District in the case of *The National Cotton Council of America, et. al v. United States Environmental Protection Agency*. This court decision vacated the existing USEPA pesticide rule and determined that biological and chemical pesticide residues are pollutants as defined by the Federal Clean Water Act, and that pesticide applications that result in the deposition of such residues in waters are subject to the permitting requirements of the National Pollutant Discharge Elimination System (NPDES).

The PGP was developed in coordination with CTDEEP's Pesticide Program and relies heavily on this Program's existing permitting program administered under section 22a-6z of the General Statutes. The majority of activities subject to the PGP will continue to primarily be managed under the state Pesticide Program.

Pesticide applications that are required to submit a Notice of Intent have an additional set of requirements. In addition to the permitting requirement under the DEEP's Pesticide Program, they will be required to be issued an Approval under the PGP. This approval will require that the pesticide applicator certify that they have developed and will follow a Pesticide Discharge Management Plan that is consistent with the minimum requirements specified in the PGP. A significant component of this plan is a requirement to incorporate the principles of Integrated Pest Management (IPM) into the decision making process.

Specific registration under the PGP will be required under the following conditions:

- (a) The total area being treated in any single waterbody exceeds 80 acres in any calendar year,
- (b) Wide area applications of pesticides, such as aerial spraying for mosquitoes or control of forest pests exceeds 6,400 acres in any calendar year,
- (c) An area of shoreline exceeding 20 linear miles is to be treated in any calendar year, or
- (d) The application of pesticides is being conducted by or is the responsibility of any state or federal agency.

- (e) The application is to control adult flying pests (mosquitos and flies) that are not otherwise approved or conducted in accordance with other appropriate laws.

In addition, the reporting that Water Companies are required to submit has been revised slightly to better confirm that the appropriate concentration of pesticides (primarily copper sulfate) are applied; such applications are not required to be permitted under section 22a-6z of the General Statutes in water supplies that are not subject to the permitting requirements.